

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|-----------------------------------|---|---------------------|
| BAYER HEALTHCARE AG, ALCON, INC., |) | |
| and ALCON MANUFACTURING, LTD., |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 06-234-SLR |
| v. |) | |
| |) | |
| TEVA PHARMACEUTICALS USA, INC., |) | |
| |) | |
| Defendant. |) | |

**NOTICE OF FED.R.CIV.P. 30(b)(6)
DEPOSITION OF BAYER HEALTHCARE, AG**

TO:

Frederick L. Cottrell III, Esquire
Jeffrey L. Moyer, Esquire
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Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005

You are hereby advised that defendant Teva Pharmaceuticals USA, Inc. pursuant to Fed. R. Civ. P. Rule 30(b)(6), will take the deposition of Bayer Healthcare AG at such place and time as may be agreed upon by counsel and continuing from day to day thereafter until completed. The deposition will be recorded stenographically and may be videotaped. One or more of defendant's counsel may appear telephonically. The deponent is not a natural person. Pursuant to Fed. R. Civ. P. 30(b)(6), Bayer Healthcare AG is required to designate one or more persons to testify at the deposition as to the matters known or reasonably available to Bayer Healthcare AG concerning all topics set forth on the attached Appendix A.

April 5, 2007

THE BAYARD FIRM

/s/ Richard D. Kirk (rk0922)

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Appendix A
Topics for Bayer Deposition
Pursuant to Fed.R.Civ.P. 30(b)(6)

As identified in Plaintiffs Disclosure of Individuals Pursuant to Paragraph 1 of the Court's Scheduling Order for Uwe Petersen:

1. The conception and reduction to practice of the inventions claimed in U.S. Patent Nos. 4,990,517 and 5,607,942 (collectively, "the Bayer patents");
2. The preparation (including resolution), testing, and properties of various compounds, both within and outside of the claims of the Bayer patents;
3. The preparation and/or prosecution of the patent applications that led to the Bayer patents and/or other applications which are relevant or asserted to be relevant to this matter; and
4. Objective indicia of nonobviousness.

In addition:

5. The Declaration signed by Klaus-Dieter Bremm and filed by Bayer in the prosecution of the patent applications that led to the Bayer patents and/or other applications which are relevant or asserted to be relevant to this matter; and
6. Patents, publications and literature known to Bayer during the preparation and/or prosecution of the patent applications that led to the Bayer patents and/or other applications which are relevant or asserted to be relevant to this matter.

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on April 5, 2007, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Frederick L. Cottrell III, Esquire
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The undersigned counsel further certifies that, on April 5, 2007, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

Bruce R. Genderson, Esquire
Adam L. Perlman, Esquire
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